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THE J.M. SMUCKER COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHELLY ROBINSON, individually and on)
behalf of all others similarly situated,)
) **Plaintiff,**)
) **vs.**)
) **THE J.M. SMUCKER COMPANY, an Ohio**)
corporation; and DOES 1 through 10, inclusive)
) **Defendants.**)

Case No. 4:18-cv-04654-HSG

CLASS ACTION

**JOINT STIPULATION AND [PROPOSED]
ORDER TO CONTINUE DISCOVERY
AND CLASS CERTIFICATION
SCHEDULE**

Judge: Hon. Haywood S. Gilliam, Jr.
Courtroom: 2

Complaint filed: August 2, 2018
First Amended Complaint filed: October 24,
2018

1 Plaintiff Shelly Robinson (“Plaintiff”) and Defendant The J.M. Smucker Company
 2 (“Defendant”) (collectively, the “Parties”) stipulate to continue the discovery and class certification
 3 deadlines set out in the Case Management Order. ECF No. 35.

4 WHEREAS, on November 7, 2018, Defendant filed a Motion to Dismiss Plaintiff’s First
 5 Amended Complaint (the “Motion”). *See* ECF No. 26.

6 WHEREAS, the Motion is fully briefed and the Court has taken the matter under submission.

7 WHEREAS, the Parties have agreed that the course that this lawsuit takes will be predicated
 8 on the Court’s ruling on Defendant’s Motion to Dismiss and, accordingly, agreed to abate
 9 undertaking any discovery pending resolution of that Motion by the Court in order to conserve the
 10 Parties’ resources. Therefore, the Parties request that the Court rescind the current Case
 11 Management Order [ECF No. 35] and abate issuing a new Case Management Order until such time
 12 as it rules on Defendant’s pending Motion to Dismiss. Alternatively, the Parties request that the
 13 Court rescind the current Case Management Order and issue an amended Case Management Order,
 14 extending the deadlines by approximately four months as follows:

15 Discovery schedule:

- 16 • Fact discovery cut-off – Friday, November 1, 2019
- 17 • Plaintiff’s expert report due – Monday, December 2, 2019
- 18 • Defendant’s expert report due – Thursday, January 16, 2020
- 19 • Depositions completed – Friday, February 28, 2020

20 Class certification schedule:

- 21 • Plaintiff’s motion for class certification due – Monday, August 26, 2019
- 22 • Defendant’s response due – Friday, October 11, 2019
- 23 • Plaintiff’s reply due – Monday, October 28, 2019
- 24 • Class certification hearing – Thursday, November 14, 2019

1 IT IS SO STIPULATED.
2

3 Dated: April 25, 2019

PACIFIC TRIAL ATTORNEYS, P.C.

4 By: /s/ Scott J. Ferrell

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12 Attorneys for Plaintiff
13 SHELLY ROBINSON

14 Dated: April 25, 2019

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15 By: /s/ Ronald Y. Rothstein

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23 Attorneys for Defendant
24 THE J.M. SMUCKER COMPANY
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1 Upon consideration of the Parties' Joint Stipulation and [Proposed] Order to Continue
2 Discovery and Class Certification Schedule, and for good cause shown, the Court hereby rules as
3 follows:

4 IT IS HEREBY ORDERED, that the Court will rescind the current Case Management Order
5 [ECF No. 35] and abate issuing a new Case Management Order until such time as it rules on
6 Defendant's pending Motion to Dismiss Plaintiff's First Amended Complaint.

7 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
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9
10 Date: _____

11 Hon. Haywood S. Gilliam, Jr.
12 Judge of the Northern District
13 Court of California
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IT IS HEREBY ORDERED, that the current Case Management Order is amended, extending the deadlines by approximately four months as follows:

Discovery schedule:

- Fact discovery cut-off – Friday, November 1, 2019
- Plaintiff's expert report due – Monday, December 2, 2019
- Defendant's expert report due – Thursday, January 16, 2020
- Depositions completed – Friday, February 28, 2020

Class certification schedule:

- Plaintiff's motion for class certification due – Monday, August 26, 2019
- Defendant's response due – Friday, October 11, 2019
- Plaintiff's reply due – Monday, October 28, 2019
- Class certification hearing – Thursday, November 14, 2019

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

Hon. Haywood S. Gilliam, Jr.
Judge of the Northern District
Court of California

ATTESTATION PURSUANT TO LOCAL RULE 5-1

Pursuant to Local Rule 5-1(i)(3), regarding signatures, I attest under penalty of perjury that the concurrence in filing of this document has been obtained from its signatories.

Dated: April 25, 2019

/s/Scott J. Ferrell

Scott J. Ferrell

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2019, I electronically filed the foregoing **JOINT STIPULATION AND [PROPOSED] ORDER TO CONTINUE DISCOVERY AND CLASS CERTIFICATION SCHEDULE** with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/Scott J. Ferrell

Scott J. Ferrell